

SECOND REGULAR SESSION

HOUSE BILL NO. 2037

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEGROOT.

4774H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 476, RSMo, by adding thereto seven new sections relating to judicial privacy, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 476, RSMo, is amended by adding thereto seven new sections, to be known as sections 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, and 476.1312, to read as follows:

476.1300. 1. Sections 476.1300 to 476.1312 shall be known and may be cited as the "Judicial Privacy Act".

2. As used in sections 476.1300 to 476.1312, the following terms mean:

(1) "Government agency", all agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of the state created by the constitution or statute, whether in the executive, judicial, or legislative branch; all units and corporate outgrowths created by executive order of the governor or any constitutional officer, by the supreme court, or by resolution of the general assembly; or agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of a unit of local government, or school district, and any public governmental body as that term is defined under section 610.010;

(2) "Home address", a judicial officer's permanent residence and any secondary residences affirmatively identified by the judicial officer but does not include a judicial officer's work address;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (3) "Immediate family", a judicial officer's spouse, child, parent, or any blood
17 relative of the judicial officer or the judicial officer's spouse who lives in the same
18 residence;

19 (4) "Judicial officer", actively employed and former or deceased:

20 (a) Justices of the United States Supreme Court and judges of the Missouri
21 supreme court;

22 (b) Judges of the United States Court of Appeals;

23 (c) Judges and magistrate judges of the United States District Courts;

24 (d) Judges of the United States Bankruptcy Court;

25 (e) Judges of the Missouri court of appeals; and

26 (f) Judges and commissioners of the Missouri circuit courts and the courts'
27 divisions;

28 (5) "Personal information", a home address, home telephone number, mobile
29 telephone number, pager number, personal email address, Social Security number,
30 federal tax identification number, checking and savings account numbers, credit card
31 numbers, marital status, and identity of a child under eighteen years of age;

32 (6) "Publicly available content", any written, printed, or electronic document or
33 record that provides information or that serves as a document or record maintained,
34 controlled, or in the possession of a government agency that may be obtained by any
35 person or entity, from the internet, from the government agency upon request either
36 free of charge or for a fee, or in response to a request under chapter 610 or the Freedom
37 of Information Act, as amended;

38 (7) "Publicly post" or "publicly display", to communicate to another or
39 otherwise make available to the general public;

40 (8) "Written request", written or electronic notice signed by a judicial officer or
41 the clerk of the Missouri supreme court or the clerk's designee or the chief clerk or
42 circuit clerk of the court where the judicial officer serves requesting a government
43 agency, person, business, or association to refrain from posting or displaying publicly
44 available content that includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly post or display publicly
2 available content that includes a judicial officer's personal information, provided that
3 the government agency has received a written request that the agency refrain from
4 disclosing the judicial officer's personal information. After a government agency has
5 received a written request, the agency shall remove the judicial officer's personal
6 information from publicly available content within five business days. After the
7 government agency has removed the judicial officer's personal information from
8 publicly available content, the agency shall not publicly post or display the information

9 and the judicial officer's personal information shall be exempt from the provisions of
10 chapter 610 unless the government agency has received consent from the judicial officer
11 to make the personal information available to the public.

12 2. If a government agency fails to comply with a written request to refrain from
13 disclosing personal information, the judicial officer may bring an action seeking
14 injunctive or declaratory relief in any court of competent jurisdiction.

476.1304. 1. All persons, businesses, and associations shall refrain from publicly
2 posting or displaying on the internet publicly available content that includes a judicial
3 officer's personal information, provided that the judicial officer has made a written
4 request to the person, business, or association that it refrain from disclosing the
5 personal information.

6 2. No person, business, or association shall solicit, sell, or trade on the internet a
7 judicial officer's personal information for purposes of tampering with a judicial officer
8 in violation of section 575.095 or with the intent to pose an imminent and serious threat
9 to the health and safety of the judicial officer or the judicial officer's immediate family.

10 3. This section includes, but is not limited to, internet phone directories, internet
11 search engines, internet data aggregators, and internet service providers.

476.1306. 1. After a person, business, or association has received a written
2 request from a judicial officer to protect the privacy of the officer's personal
3 information, that person, business, or association shall have five business days to
4 remove the personal information from the internet.

5 2. After a person, business, or association has received a written request from a
6 judicial officer, that person, business, or association shall ensure that the judicial
7 officer's personal information is not made available on any website or subsidiary
8 website controlled by that person, business, or association.

9 3. After receiving a judicial officer's written request, no person, business, or
10 association shall transfer the judicial officer's personal information to any other person,
11 business, or association through any medium.

476.1308. A judicial officer whose personal information is made public as a
2 result of a violation of sections 476.1300 to 476.1312 may bring an action seeking
3 injunctive or declaratory relief in any court of competent jurisdiction. If the court
4 grants injunctive or declaratory relief, the person, business, or association responsible
5 for the violation shall be required to pay the judicial officer's costs and reasonable
6 attorney's fees.

476.1310. 1. No government agency, person, business, or association shall be
2 found to have violated any provision of sections 476.1300 to 476.1312 if the judicial

3 officer fails to submit or cause to be submitted a written request calling for the
4 protection of the officer's personal information.

5 2. A written request shall be valid if:

6 (1) The judicial officer sends a written request directly to a government agency,
7 person, business, or association; or

8 (2) If the judicial officer complies with a Missouri supreme court policy and
9 procedure for a state judicial officer to file the written request with the clerk of the
10 supreme court or the clerk's designee to notify government agencies and such notice is
11 properly delivered by mail or electronic format.

12 3. In each quarter of a calendar year, the clerk of the supreme court or the
13 clerk's designee shall provide a list to the appropriate officer with ultimate supervisory
14 authority for a government agency of all state judicial officers who have submitted a
15 written request under this section. The officer shall promptly provide a copy of the list
16 to any and all government agencies under his or her supervision. Receipt of the written
17 request list compiled by the clerk of the supreme court or the clerk's designee by a
18 government agency shall constitute a written request to that agency for the purposes of
19 sections 476.1300 to 476.1312.

20 4. The chief clerk or circuit clerk of the court where the judicial officer serves
21 may submit a written request on the judicial officer's behalf, provided that the judicial
22 officer gives written consent to the clerk and provided that the clerk agrees to furnish a
23 copy of that consent when a written request is made. The representative shall submit
24 the written request as provided under subsection 2 of this section.

25 5. A judicial officer's written request shall specify what personal information
26 shall be maintained private. If a judicial officer wishes to identify a secondary residence
27 as a home address, the designation shall be made in the written request. A judicial
28 officer shall disclose the identity of the officer's immediate family and indicate that the
29 personal information of the family members shall also be excluded to the extent that it
30 could reasonably be expected to reveal the personal information of the judicial officer.

31 6. A judicial officer's written request is valid until the judicial officer provides
32 the government agency, person, business, or association with written permission to
33 release the private information. A judicial officer's written request expires on such
34 judicial officer's death.

476.1312. It shall be unlawful for any person to knowingly publicly post on the
2 internet the personal information of a judicial officer or of the judicial officer's
3 immediate family for purposes of tampering with a judicial officer in violation of section
4 575.095 or if the person knows or reasonably should know that publicly posting the
5 personal information poses an imminent and serious threat to the health and safety of

6 the judicial officer or the judicial officer's immediate family, and the violation is a
7 proximate cause of bodily injury or death of the judicial officer or a member of the
8 judicial officer's immediate family. A person who violates this section shall be guilty of a
9 class D felony.

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